

REMARKS

In the June 26, 2007 Office Action, the Examiner stated that claims 8, 9, 22 and 23 “are allowed because Copeland reference is disqualified as prior art against the claimed invention pursuant to 35 U.S.C. § 103(c).” However, the Examiner raised a new rejection against claims 36, 37 and 44, asserting that these claims are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. *See, Office Action*, p. 2 (June 26, 2007). As a preliminary matter, Applicants appreciate the Examiner’s indication that claims 8, 9, 22 and 23 are allowed, and look forward to obtaining allowance of these claims, though Applicants respectfully submit that the patentability of these claims is supported by the various differences between Applicants’ invention and the Copeland disclosure discussed previously.

A. Claims 36, 37 and 44 Recite Statutory Subject Matter

In response to the subject matter rejection of claims 36-37 and 44, Applicants have amended these claims to include the “tangible” or “tangibly embodied” language as suggested by the Examiner. As the Examiner has indicated, these requirements are supported by the description at paragraph 541 of the specification which explains that the processes associated with the present invention are capable of being distributed in the form of instructions in a computer readable medium and a variety of other forms. Accordingly, Applicants respectfully request that the statutory subject matter rejection of claims 36, 37 and 44 under 35 U.S.C. § 101 be withdrawn and that the claims be allowed.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

FILED ELECTRONICALLY
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Respectfully submitted,

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